



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

271 Cadman Plaza East
Brooklyn, New York 11201

November 12, 2021

By ECF

Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *The City of New York et al. v. United States Postal Service et al.*
No. 19-cv-5934 (BMC)

Dear Judge Cogan:

This Office represents Defendants United States Postal Service (“USPS”) and Louis DeJoy, in his official capacity as Postmaster General (collectively, “Defendants”), in the above-referenced action. Pursuant to the Court’s November 9, 2021 Order, Defendants submit this letter to respectfully propose February 11, 2022 as their deadline for their production of documents in response to Plaintiff’s First and Second Requests for the Production of Documents.

By way of background, Plaintiffs have brought this action alleging that USPS’s practice of returning inbound international mailpieces that may contain nonmailable cigarettes to the foreign postal operator of origin violates the Prevent All Cigarette Trafficking Act of 2009 (the “PACT Act”), 15 U.S.C. § 375 *et seq.* and 18 U.S.C. § 1716E. On November 9, 2021, the parties appeared for a status conference regarding discovery in this case. *See* Minute Entry and Order (Nov. 9, 2021). The Court ordered that “12/16/2021 is the absolute final date for plaintiffs to produce all documents.” *Id.* The Court also ordered that “[b]y 11/12/2021, defendant will propose an absolute final date for its final production of all documents.” *Id.*

Pursuant to the Court’s Order, Defendants propose February 11, 2022, to complete their document production in response to Plaintiff’s First and Second Requests for the Production of Documents, which is an eight-week extension of time to complete document production, from December 16, 2021, to February 11, 2022. This additional time is necessary to enable Defendants to review approximately 400,000 e-mail documents, and to search multiple, complex databases in response to Plaintiffs’ document requests. Defendants are actively reviewing these documents, and will continue to produce documents on a rolling basis between now and the end of document production.

Thank you for Your Honor’s consideration of this request.

Respectfully submitted,

BREON PEACE
United States Attorney

By: _____ /s/

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cc: All Counsel of Record (by ECF)